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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,829	11/24/2003	Kevin D. Horner-Richardson	13384-276	3962
	7590 12/22/200 ER GILSON & LIONE	EXAMINER		
P.O. BOX 1039		PASCHALL, MARK H		
CHICAGO, IL 60610			ART UNIT	PAPER NUMBER
			3742	
			MAIL DATE	DELIVERY MODE
			12/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1) Responsive to communication(s) filed on 05 December 2008 2a This action is FINAL. 2b This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-3 and 5-8 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 5-8 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1							
Examiner Mark H. Paschall 3742		Application No.	Applicant(s)				
Mark H. Paschall 3742		10/720,829	HORNER-RICHARDSON ET AL.				
The MALING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Lettensies of time reply be available useful the postedies of 30° RE1 130°, into event towers, may a reply be timely filled If NO pend for reply is specified above, the materians abstractly pend of sequence 43° CRE1 130°, into event towers, may a reply be timely filled If NO pend for reply is specified above, the materians abstractly pend of sequence 43° CRE1 130°, into event towers, may a reply be timely filled. If NO pend for reply is specified above, the materians abstractly pend of sequence 43° CRE1 130°, and supply entered by fill of the scenarial pend of reply is specified above, the material pend of reply is specified above, the material pend of reply is specified above, the material pend of reply and the pending of the material pend of reply and the pending of the communication, even if firedly filled, may reduce any seattle pend of reply as pending date of this communication, even if firedly filled, may reduce any seattle pending of the material pending of the material pending filled on the material pending filled above. Status	Office Action Summary	Examiner	Art Unit				
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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enyedy 5,938,949 in view of Hill 3,061,709. Enyedy et al teach the claimed subject matter except for showing a gas controller located within the handle of the torch. The patent to Hill is applied for teaching use of by-pass member 15, which slides and engages and disengages gas valve 28,38 to control the local gas pressure in the torch

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head. Note that gas shielded arc torches do use non-consumable electrodes and do create a plasma discharge, as claimed. In view of Hill teaching that local control of the gas flow via a valve in the torch handle/head as conventional, one of ordinary skill in arc torches would have been motivated to adapt the torch handle head of Enyedy et al with a local gas control device, to effect a local control of the gas flow proximate the torch head. As per claim 8 note that reduction of start time would inherently occur in the Hill system and the Enyedy et al system as modified.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enyedy et al in view of Naor 6,486,430.

Enyedy et al teach the claimed plasma torch with handle with the gas control device/solenoid, disposed outside the torch head. The claims, insofar as understood, define the gas control device in the torch head, to reduce gas flow time control. In this respect the patent to Naor is applied for teaching this control scheme as conventional. Note column6 in Naor, lines 46-50 which define that a gas control solenoid can be, "part of the plasma torch 306", the same structure leading to quick venting and prompt reigniting of the plasma arc, such as claimed. Hence, Naor has recognized that the location of the gas control device in a plasma torch can be in the torch itself, for quick gas control, with no teaching of a handle for the device. In view of this teaching it would have been obvious to modify the Enyedy et al system to include the gas control solenoid with the torch itself, to reduce the gas control times in the torch use.

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"Hill disclosed a compact gas valve in the handle of a welding torch, merely for the purpose of turning on and shutting off the flow of shielding gas." The Hill patent discloses a welding head, also set forth in claim 5. Claim 5 also discloses "a gas control valve disposed in the torch handle". Applicant's own disclosure in paragraph 0021 sets forth that the gas control valve can be located in the torch handle and other locations in the torch head, still falling with the scope of the invention. Paragraphs 0026 and 0028 in Applicant's own disclosure state that the gas control device can comprise a valve, as clearly defined in the Hill patent. Since the valve, a gas control device, is located in the torch head, and not connected to the torch head through a gas supply line, as conventional torches are, it is inherent that the gas pressure is built up local to the torch head, and not remotely. The Examiner submits that local buildup of gas pressure and hence reduction of restart times for the torch are inherently taught in the Hill device, in addition to ease of use by the operator. For these reasons, one of ordinary skill in torch control would find placement of the final gas control device in a torch handle/head,

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It should be noted that claim 6 defines only a single limitation which lists the step of, "building up gas pressure local to a torch head of a plasma torch". Broadly interpreted, if the gas control device was remotely located, and not in the torch head or handle, remote activation of the gas control valve or solenoid would clearly have the effect of increasing gas pressure in the torch head. Of course there would be a delay of the gas reaching the head through the torch supply line, but the claim is silent to preclusion of any delay, and local pressure would be built-up, even though remotely

depicted as conventional torch structure, via the Hill teaching.

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activated. As per claim 6the claimed gas control device could merely comprise the gas inlet to the torch head, barring further description of the same. It is submitted that in view of the broad nature of claims 6-8, any component including nozzle, housing and other structural and control components downstream of the torch handle would clearly act to build up pressure within the torch head, since no structure specific to this buildup is set forth in the claims as presented.

Allowable Subject Matter

Claims 1-3 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark H. Paschall whose telephone number is 571 272-4784. The examiner can normally be reached on 7am - 3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark H Paschall Primary Examiner Art Unit 3742

Mhp

/Mark H Paschall/

Primary Examiner, Art Unit 3742